

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	
RAYMOND NEGRON,	:
	:
Plaintiff,	:
	:
v.	:
	:
TD BANK N.A. and EXPERIAN INFORMATION SOLUTIONS, INC.,	:
	:
Defendants	:
-----X	

Case No. **NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant TD Bank N.A. (“***TD Bank***”), by its attorneys, Duane Morris LLP, hereby removes this action from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §§ 1331, 1367(a), 1391, 1441, 1446, and states as follows:

BACKGROUND

1. On August 8, 2024, Plaintiff Raymond Negron (“***Plaintiff***”) filed a Complaint in the State Action against Defendant TD Bank and Defendant Experian Information Solutions, Inc (“***Experian***”), captioned *Raymond Negron v. TD Bank, N.A. and Experian Information Solutions, Inc.*, Index No. 716281/2024 (the “***State Action***”).

2. A true and correct copy of the Summons and Complaint (the “***Complaint***”) is attached hereto as Exhibit A.

TIMELINESS OF REMOVAL

3. Plaintiff served the Complaint on TD Bank on August 9, 2024.

4. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) because it has been filed within thirty (30) days of TD Bank’s receipt of the Complaint.

5. Defendant Experian has consented to removal of the State Action as required by 28 U.S.C. § 1446(b)(2)(A).

FEDERAL QUESTION JURISDICTION

6. Removal is proper pursuant to 28 U.S.C. §§ 1331 and 1441 because Plaintiff's case against TD Bank arises under federal law. *See* 28 U.S.C. § 1331 ("The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.").

7. Plaintiff's Complaint alleges TD Bank failed to adhere to the Fair Credit Reporting Act ("**FCRA**"), 15 U.S.C. § 1681, *et seq.* *See* Ex. A, Compl. ¶¶ 31-33.

SUPPLEMENTAL JURISDICTION

8. This Court has supplemental jurisdiction over Plaintiff's state-law claims because Plaintiff's New York Fair Credit Reporting Act claim arises out of the same transactions or occurrences as the federal cause of action and, therefore, the state claims are "so related" to Plaintiff's federal claim "that they form part of the same case or controversy under Article III of the United States Constitution." 28 U.S.C. § 1367(a). *See* Ex. A, Compl. at p. 9

VENUE

9. In accordance with 28 U.S.C. § 1391, venue is proper because the Complaint was originally filed in the Supreme Court of the State of New York, County of Queens. The United States District Court for the Eastern District in New York is the appropriate district having jurisdiction over the place where the State Action was commenced. *See* 28 U.S.C. § 112.

ALL PROCEDURAL PREREQUISITES TO REMOVAL HAVE BEEN MET

10. TD Bank will promptly file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of Queens, which will be served on all parties pursuant to 28 U.S.C. § 1446(d).

11. Pursuant to 28 U.S.C. § 1446(a), TD Bank attaches all process, pleadings and orders that have been filed, served or received by TD Bank in this action.

12. By virtue of this Notice of Removal of Action and the Notice filed in the State Action, TD Bank does not waive its rights to assert any personal jurisdictional defenses or other motions including Rule 12 motions and/or motions to compel arbitration as permitted by the Federal Rules of Civil Procedure.

13. Based upon the record submitted with this Notice, this Court has jurisdiction over Plaintiff's claims and the Complaint is properly removed to this Court.

CONCLUSION

WHEREFORE, TD Bank removes this action to this Court and respectfully requests that this Court assume jurisdiction of this matter and take all further steps as may be required to determine this controversy.

Dated: New York, New York
September 6, 2024

DUANE MORRIS LLP

By: /s/ Y. Katie Wang
Y. Katie Wang
230 Park Avenue, Suite 1130
New York, NY 10169-0079
Email: Kwang@duanemorris.com

Attorney for Defendant TD Bank N.A.

To: Schyler Cothias, Esq.
30 Wall Street, 8th Fl. #741
New York, New York 10005
Tel: (866) 249-1137
Email: Schyler.C@gitmeidlaw.com

Attorneys for Plaintiff Raymond Negrón

Attn: Law Department
Experian Information Solutions, Inc.
475 Anton Blvd
Costa Mesa, CA 92626

Defendant